

REMARKS

In the Office Action dated August 19, 2003, claims 18-33 were pending. Claims 18, 19, 22-24 and 26-28 stand rejected. Claims 30-33 were allowed, and claims 20, 21, 25 and 29 were indicated to include allowable subject matter if rewritten in independent form. In a previous office action response mailed November 18, 2003, claims 18-21 were cancelled without prejudice, claims 22-23 were amended, and claims 34-42 were added. In this supplement to that previous office response, claim 22 has been further amended, and claims 43-46 have been added. Entry of this supplemental response and amendment, and reconsideration of the present application as amended and including claims 22-46, is respectfully requested.

Claim 22 has been further amended to remove the word "skin and". Claim 22 is allowable for the reasons set forth in the previous response.

Claims 24-33 were submitted in the previous response with the status identifier of "original". However, these claims were added in a Preliminary Amendment filed December 20, 2002, and it is believed the status identifier of "previously presented" would be more proper. Accordingly, claims 23-33 are now identified as "previously presented."

New claims 43-46 are submitted herewith to define additional subject matter. Claims 43-46 are allowable since none of the references disclose a system that includes "at least three tissue dilators each including a bore therethrough, said bores being of increasing diameter wherein said at least three tissue dilators are positionable one over the other to sequentially dilate tissue and provide an access portal through tissue to a disc space between adjacent vertebrae; and bone graft material deliverable through the access portal to the disc space between the adjacent vertebrae."

In view of the amendments and remarks in the previous office action response and above, claims 22-46 are in condition for allowance. A Notice of Allowance is respectfully solicited. Should it facilitate allowance of the application, the Examiner is invited to telephone the undersigned.

Respectfully submitted

By: Douglas A. Collier

Douglas A. Collier
Reg. No. 43,556
Woodard, Emhardt, Moriarty,
McNett & Henry, LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

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